

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ELAINE RICE, Individually and on	:	No. 4:15-cv-00371
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	(Judge Brann)
v.	:	
	:	
ELECTROLUX HOME	:	
PRODUCTS, INC.,	:	
	:	
Defendant.	:	

CASE MANAGEMENT ORDER

AND NOW, this 15th day of September 2015, **IT IS ORDERED THAT:**

1. **COUNSEL AND PRO SE LITIGANTS ARE RESPONSIBLE FOR READING THIS ENTIRE ORDER.** For the convenience of counsel, a schedule of important dates follows, however, details regarding said dates/deadlines are contained in the body of this Order:

Jury Selection/Trial Date	February 2017
Fact Discovery Deadline	May 2, 2016
Dispositive Motions & Supporting Briefs	July 1, 2016
Motions in Limine & Supporting Briefs	November 28, 2016
Final Pretrial Conference	December 19, 2016 at 10:00 a.m.
Pretrial Memoranda	December 12, 2016 by 5:00 p.m.
Plaintiff's Expert Report(s)	September 30, 2016
Defendant's Expert Report(s)	October 31, 2016
Supplemental/Rebuttal Expert Reports	November 14, 2016
Proposed Voir Dire Questions	December 12, 2016
Proposed Jury Instructions	December 12, 2016

2. Counsel are encouraged to consent to the disposition of this case by the United States magistrate judge pursuant to 28 U.S.C. § 636(c).

3. The captioned case is placed on the **February 2017** trial list. Jury selection for trials on the **February 2017** list will commence at **9:30 a.m.** on the date of trial, in Courtroom No. 1, Fourth Floor, United States Courthouse and Federal Building, 240 West Third Street, Williamsport, Pennsylvania. Trial will commence following the completion of jury selection. Counsel should note that criminal matters take priority and may delay the beginning of the civil trial list.

4. The Court issues this Order pursuant to Rule 16 of the Federal Rules of Civil Procedure. The views of counsel of all represented parties, as to how and on what schedule pretrial matters should be conducted, have been solicited at the scheduling conference. Counsel shall not mutually agree to extend any time periods covered by this Order, the Middle District of Pennsylvania Local Rules, or the Federal Rules of Civil Procedure without the approval of the Court. Requests for extensions of the following time periods will not be granted except under exceptional circumstances and must comply with Local Rule 7.5. All written requests for continuance of discovery deadlines or trial shall be signed by counsel in conformity with the Civil Justice Reform Act of 1990, 28 U.S.C. § 473(b)(3). Additionally, all requests for extensions of the discovery deadline must be made at least fourteen (14) days prior to the expiration of the discovery period. The Court will entertain a conference call, if agreed upon by counsel, to resolve time periods and discovery issues.

5. DISCOVERY:

(a) Counsel shall not cease active discovery pending disposition of a motion to dismiss.

(b) All fact discovery (expert witness discovery dates noted below) shall be completed by **May 2, 2016**, and shall be completed by the parties expeditiously and diligently. In the event that discovery disputes arise and are not resolved after counsel attempt in good faith to do so, the matter shall be brought before the court by way of a telephone conference rather than through the filing of formal motions.

(c) Plaintiff's expert report(s) shall be due on or before **September 30, 2016**.

(d) Defendants' expert report(s) shall be due on or before **October 31, 2016**.

(e) Supplemental/Rebuttal expert witness reports shall be due on or before **November 14, 2016**.

6. MOTIONS:

(a) Dispositive motions and supporting briefs must be filed by **July 1, 2016**.

If both a dispositive motion and its supporting brief are not filed on or before the aforementioned deadline, the motion will not be accepted, absent prior leave of court. Briefs in support, in opposition and in reply to summary judgment motions may be up to fifteen (15) pages in length, pursuant to Local Rules. In multiple defendant cases, any defendant contemplating a dispositive motion shall confer with other defense counsel and shall agree to file joint motions and briefs whenever possible. Those parties needing to brief separate issues may do so by

filing separate briefs. Parties filing motions for summary judgment shall comply with Local Rule 7.4.

(b) Motions in limine and supporting briefs shall be filed no later than **November 28, 2016**. Motions to exclude expert testimony, which require a Daubert hearing, shall be filed no later than thirty (30) days from receipt of the expert report.

(c) Pursuant to Local Rule 23.3, a motion for class certification is ordinarily to be filed within ninety (90) days after the filing of the complaint in a putative class action, unless the period is extended on motion for good cause appearing. To obtain a more substantive record for determination of class certification, the Court hereby orders that Plaintiff shall file such a motion on or before **April 19, 2016**. Pursuant to Local Rule 7.6, Defendant shall file a brief in opposition to Plaintiff's motion for class certification no later than fourteen (14) days from the date of Plaintiff's filing. Thus, the deadline for the filing of Defendant's brief in opposition may be earlier but will be no later than **May 3, 2016**.

7. PRE-TRIAL MATTERS:

(a) A pretrial conference will be held on **December 19, 2016, at 10:00 a.m.** in the Court's Chambers, United States Courthouse and Federal Building, 240 West Third Street, Fourth Floor, Williamsport, Pennsylvania. **Counsel and litigants shall be present at this conference in order to engage in effective**

settlement discussions. Any other individual with settlement authority shall be available by telephone at the time of the pretrial conference.

(b) Local Rule 16.2, as it relates to settlement authority, will apply to that conference.

(c) By **December 12, 2016 at 5:00 p.m.**, each party shall file through the Clerk of Court the original and two copies of a pretrial memorandum; said filing shall otherwise be in conformity with the local rules. Failure to timely file pretrial memoranda will result in an appropriate sanction. Fed. R. Civ. P. 16(f).

(d) Proposed voir dire questions shall be due on or before **December 12, 2016**.

(e) Proposed jury instructions shall be due on or before **December 12, 2016**.

(f) If counsel file trial briefs they must be filed two (2) working days prior to commencement of the trial list.

(g) In non-jury cases, counsel shall meet within four (4) weeks after the close of discovery and discuss settlement. Subsequent to that meeting, counsel shall notify this court if they would like the assistance of the United States Magistrate Judge in conducting a formal settlement conference.

(h) **THREE WEEKS prior to the date scheduled for the submission of the pretrial memoranda, counsel for the parties shall hold the attorneys' conference required by Local Rule 16.3.** This conference shall be face-to-face unless the Court, upon written request, approves another arrangement. Failure of

the Plaintiff to initiate the holding of the conference or the Defendant to respond to such initiative in an appropriate manner may result in the imposition of sanctions, including possible dismissal of the action.

(i) Counsel who will try the case shall attend the pretrial conference unless the Court, upon written request, approves the substitution of another attorney who is fully familiar with the case and has the settlement authority required by Local Rule 16.2. A copy of the local rules may be obtained from the Clerk of the Court by writing: Clerk of Court, United States Courthouse and Federal Building, Suite 218, 240 West Third Street, Williamsport, Pennsylvania 17701-6460.

(j) At the pretrial conference, counsel for the Plaintiff shall be required to set forth the elements of the particular type of claim (or claims) being made. Counsel for the Defendant shall be required to identify any legal defenses he/she expects to make. It should be noted that the Court expects to hold counsel for both sides to the course they outline here unless good cause is shown for allowing additional legal theories, claims and/or defenses to be argued at trial and unless this Court is apprised of these additional legal theories, claims and/or defenses in sufficient time to consider and evaluate them before trial.

(k) No later than the pretrial conference counsel shall notify the Court if they wish to employ the summary jury trial procedure.

8. Counsel and pro se litigants are requested to file all documents in this case with the Clerk of Court, United States Courthouse and Federal Building, Suite 218, 240 West Third Street, Williamsport, PA 17701-6460. Do not send courtesy copies directly to the Court unless requested by the Court.

9. If the parties intend to use depositions at trial in place of live testimony, they shall review the depositions prior to the time of trial. If there are objections which cannot be resolved among counsel, said objections and copies of the relevant depositions shall be submitted to the Court at least fifteen (15) days prior to trial. Where counsel have failed to meet the time requirement in this paragraph, the Court may, in its discretion, deem the objections withdrawn. If the depositions to be used are videotaped, a transcript must be provided to the Court in advance of trial.

10. Videotape equipment shall be set up in the courtroom prior to the commencement of trial in the morning, if its use is anticipated in the morning, or during the lunch break, if its use is anticipated in the afternoon.

11. Whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, jurors' costs, including mileage and per diem, shall be assessed equally against the parties unless the Clerk's Office at the place the trial is to be held is notified of the settlement in sufficient time to permit the Clerk to advise the jurors that their attendance will not be necessary. Notice to such Clerk's Office before 2:00 p.m. on the last business day preceding the day on which the trial of the action is to start shall be adequate for such purpose.

12. Prior to the commencement of trial, counsel shall submit three (3) complete exhibit lists (see attached form) and three (3) complete sets of exhibits for the Court's use, in addition to the original which will be offered into evidence.

13. The provisions of this Scheduling Order may be modified by the Court *sua sponte* or on motion timely filed for good cause.

*Pre-Trial Memo forms are available at: <http://www.pamd.uscourts.gov>

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge

This case is placed on the Complex Track.

(JUDGE BRANN)

Page ____ of ____

EXHIBIT LIST**Case Name:** _____**Case Number:** _____

Plaintiff	Defendant	Description of Item	Identified	Ruling	Evidence	Witness